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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,097	04/20/2001	Ashish Verma	JP920000446US1	1738

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McGINN & GIBB PLLC
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EXAMINER

WEST, JEFFREY R

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/839,097

Applicant(s)

VERMA ET AL.

Examiner

Jeffrey R. West

Art Unit

2857

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

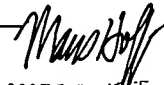
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Continuation of 2:

The proposed amendment requiring the computation of an overall confidence value for a number of first classes and using the overall confidence value of the first classes in assigning a weight to classifiers in order to classify each data sample of a plurality of data samples in a second class, is a new issue that would require additional search and/or consideration.

Applicant indicates that "the previous claimed language referred to 'predetermined classes', whereas the amended claimed language further defines this as 'first classes' and a 'second class'. Such, a change should not constitute a 'new issue'."

The Examiner, however, asserts that new issues have been raised by the additional changes requiring the specific calculations required for each of the newly added first and second classes.

The Examiner further asserts that the removal of the limitations for "assigning confidence values for each classifier in said decision fusion application based on said greatest in value; and improving a classification accuracy of said decision fusion application based on said confidence values" and the addition of "classifying a calculated second class as a correct class for a particular data sample by selecting a particular second class with a highest calculated combined log-likelihood value; and improving a classification accuracy of said decision fusion application based on said correct class" is a substantial modification to the claims to overcome the current rejection and therefore would also required additional search and/or consideration.

The Examiner also notes that the proposed amendment to the independent claims, such as claim 14, now include a method for classifying "data samples", define both "sample confidence values" and "an overall confidence value", and remove reference to "predetermined classes".

These proposed changes, if entered, would present issues of vagueness with respect to 35 U.S.C. 112, second paragraph, due to references to "said data sample", in claim 14, line 4, reference "respective predetermined classes", in claim 16, line 2, and reference to "a most likely and second most likely class", in claim 17, lines 2-3.

Further, dependent claim 15 specifies that "said weight value for said each of said plurality of data classifiers comprises a data sample confidence component, wherein said data sample confidence component includes a linear combination of an order statistic", dependent claim 18 specifies that "the weight value comprises said data sample confidence component equaling said log-likelihood of respective predetermined classes for said plurality of data classifiers corresponding to said data sample, and a cumulative component comprising a mean of said data sample confidence component over a plurality of samples", and dependent claim 19 specifies that "said cumulative component is successively updated with said data sample confidence component of each said data sample".

Since references to the "data sample confidence component" correspond to one of the "sample confidence values" and the "cumulative component" corresponds to the "overall confidence value", entering the proposed amendment would raise problems of antecedent basis. Similar issues are present with respect to independent claims 20 and 26.